IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

MONDAY THE THIRTEENTH DAY OF NOVEMBER TWO THOUSAND AND SIX

: PRESENT :

THE HON'BLE SRI JUSTICE: **BILAL NAZKI**

AND

THE HON'BLE SRI JUSTICE: **NOOTY RAMAMOHANA RAO**

WRIT APPEAL No. 2013 of 2002

(Appeal under Clause 15 of the Letters Patent against the Order in WP.No. 19271/1994 dated. 18-07-2002 on the file of the High Court).

Between:

1. Mr. K.Gopichand
2. D.Rama Krishna Reddy
3. N.Muralimohan
4. Y.Satyanarayana Chowdary
5. S.Visweswara Reddy
6. D.Janardhana Reddy.

Appellants

AND

1. The Member Secretary, A.P. State Electricity Board, Vidyut Soudha, Hyderabad – 500 041.
2. V.Nagenderlal, S/o. Suryanarayana
3. M.Sekhar, S/o. Not known.
4. E.Sridhar, S/o. Not known.
5. Ch.Satya Prasad, S/o. Not known.
6. G.Prem Ganesh.

(All are employees in APSEB, Room No. 408, B.Block Vidyuth Soudha, Hyderabad).

Respondents

This Writ Appeal coming on for orders as to admission upon perusing the Grounds of Appeal filed herein and the order of the High Court dated.16-12-2002 made in WAMP.No. 3824/2002 and upon hearing the arguments of Sri C.V.R.Rudra Prasad, Advocate for Appellant No.1, Sri N.Sumanth Reddy for Appellant No.2 , Sri Schakrapani, Advocate for Appellant No.3, Sri T.Srikanth Reddy, Advocate for Respondent No.4, Sri Parama Krishna, Advocate for Appellant No.5 and Sri V.R.Reddy, Advocate for Appellant No.6, Sri O.Manohar and Sri Saminane Kishore for Respondents.

The Court made the following **ORDER:**

" Heard in part.

The case of the writ petitioners was that during a selection for the post of Assistant Engineer, they were better in merit than some of the candidates, but they were shown in seniority lower to those candidates. The learned Single Judge has allowed the writ petition and appeals have been filed by some of the candidates who were not parties to the writ petition. They submit that their seniority is likely to be changed because of the judgment of the learned Single Judge and without hearing them such orders should have not been passed.

The controversy is very small. The writ petitioners contended that their seniority had to be reckoned in accordance with Regulation No. 26 on the basis of their merit during selection, whereas the appellants contend that it had been made clear at the time of selection that after selection, the appointment of the candidates would be only for a period of one year and

during that year, all candidates would have to undergo a training and ultimate merit shall be ascertained on the basis of the assessment made during the training and this assessment would be the basis for the purpose of inter se seniority of the candidates. The learned Senior Counsel Mr. Manohar appearing for the respondents, submit that any stipulation in the advertisement notice or in the appointment order could not have force if it contravene any of the regulations. Regulations prescribe that the seniority should be fixed on the basis of inter se merit at the time of selection and not inter se merit during the training. Before testing these arguments, we wanted some of the records to be produced and on last occasion, we directed the learned counsel appearing for the Board to produce the record, but there has been some communication gap and we are not shown the relevant record. Therefore, we direct that all record shall be produced on the next date of hearing, particularly the respondent-Board shall produce before us—

(1) The selection list in accordance with the merit at selection.

(2) The assessment of the Officers during the training and their inter se positions on merit during the training.

It is also directed that a Senior Officer of the Board, who will be well-versed with the case and the record, shall remain present in the Court to assist this Court on the next date.

List after two weeks."

SD/- H.PANDURANG

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Member Secretary, A.P. State Electricity Board, Vidyut Soudha, Hyderabad – 500 041. (By Spl. Messenger an officer to be present to produce record)
2. V.Nagenderlal, S/o. Suryanarayana
3. M.Sekhar, S/o. Not known.
4. E.Sridhar, S/o. Not known.
5. Ch.Satya Prasad, S/o. Not known.
6. G.Prem Ganesh.
   (2 to 6 are employees in APSEB, Room No. 408, B.Block Vidyuth Soudha, Hyderabad).
7. One CC to Sri C.V.R.Rudra Prasad, Advocate(OPUC)
8. One CC to Sri N.Sumanth Reddy, Advocate(OPUC)

9. One CC to Sri S.Chakrapani, Advocate(OPUC)
10. One CC to Sri T.Srikanth Reddy, Advocate(OPUC)
11. One CC to Sri Parama Krishna, Advocate(OPUC)
12. One CC to Sri V.R.Reddy, Advocate(OPUC)
13. One CC to Sri Samineni Kishore – S.C for A.P.Transco, High Court of A.P., Hyderabad (By Spl. Messenger)
14. One CC to Sri E.Manohar, Advocate(OPUC)
15. Two spare copies.

SAH

HIGH COURT

BNJ & NRRJ

DATED: 13-11-2006

NOTE: LIST AFTER TWO WEEKS

ORDER

WA.NO. 2013 OF 2002

DIRECTION

DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 14-11-2006

HIGH COURT

BNJ & NRRJ

DATED: 13-11-2006

NOTE: LIST AFTER TWO WEEKS

ORDER

WA.NO. 2013 OF 2002

DIRECTION